

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, December 12, 2005 at 7:00 p.m. The meeting was called to order by Council President Charlotte D. Pfeifer and the Invocation and Pledge to the Flag were given.

**ROLL CALL**

**COUNCILMEMBERS:**

Present:	Derek D. Dieter	1 <sup>st</sup> District	
	Charlotte Pfeifer	2 <sup>nd</sup> District	President
	Roland Kelly	3 <sup>rd</sup> District	Chairperson, Committee of the Whole
	Ann Puzzello	4 <sup>th</sup> District	
	David Varner	5 <sup>th</sup> District	
	Ervin Kuspa	6 <sup>th</sup> District	
	Timothy Rouse	At-Large	
	Al “Buddy” Kirsits	At-Large	
	Karen L. White	At-Large	Vice-President

**OTHERS PRESENT:**

	John Voorde	City Clerk
	Mary Beth Wisniewski	Chief Deputy
	Janice I. Talboom	Deputy City Clerk
Absent:	Kathleen Cekanski-Farrand	Council Attorney

**REPORT FROM THE SUB-COMMITTEE ON MINUTES**

To the Common Council of the City of South Bend: The sub-committee has inspected the minutes of the November 28, 2005, meeting of the Council and found them to be correct.

Therefore, we recommend the same be approved.

s/Charlotte D. Pfeifer  
s/David Varner

Councilmember Kuspa made a motion that the minutes of the November 28, 2005, meeting of the Council be accepted and placed on file. Councilmember Dieter seconded the motion which carried by a voice vote of nine (9) ayes.

**SPECIAL BUSINESS**

<b><u>RESOLUTION NO. 3540-05</u></b>	<b>A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING “JT IN THE MORNING” OF WSBT 960 AM RADIO BROADCASTS</b>
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Whereas, the Common Council of the City of South Bend, Indiana, is proud to recognize that Jon Thompson, a/k/a “JT in the Morning” will soon be reaching his 30<sup>th</sup> year of service, as the morning host on WSBT 960; and

Whereas, the Council recognizes that JT has the record for being the “longest running morning show host” in the Michiana area; and

Whereas, JT joined WSBT on December 29, 1976, moving here from Peterborough, New Hampshire where he began his broadcasting career in 1971; and

Whereas, in addition to his talk show duty as “JT in the Morning”, JT is active throughout our community as an umpire for high school, college games, and South Bend Silver Hawks baseball games; announcing for the University of Notre Dame Marching Band, announcing for Notre Dame men’s home basketball games & many other special events taking place throughout our city.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. On behalf of all of the citizens of the City of South Bend, Indiana, the Common Council hereby publicly thanks and commends **JON THOMPSON** for his 30 years of dedicated broadcasting service in our community.

Section II. The South Bend Common Council wishes “JT” and his wife, Marilyn, at least 30 more years of great times in the South Bend community.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

s/Derek D. Dieter, 1<sup>st</sup> District  
s/Charlotte D. Pfeifer, 2<sup>nd</sup> District  
s/Roland Kelly, 3<sup>rd</sup> District  
s/Ann Puzzello, 4<sup>th</sup> District  
s/Dr. David Varner, 5<sup>th</sup> District

s/Ervin Kuspa, 6<sup>th</sup> District  
s/Al “Buddy” Kirsits, At Large  
s/Timothy A. Rouse, At Large  
s/Karen L. White, At Large  
  
s/KathleenCekanski-Farrand,  
Council Attorney

Attest:

s/John Voorde, City Clerk

s/Stephen J. Luecke, Mayor of South Bend

Councilmember Roland Kelly, 1325 E. Wayne, South Bend, Indiana, made the presentation for this Resolution by first offering his comments and then reading the Resolution in its entirety and presenting it to Jon Thompson.

A Public Hearing was held on the Resolution at this time.

Mr. Ray Chamberlain, Mishawaka, Indiana, spoke in favor of this resolution. Mr. Chamberlain stated that he has worked with Jon at WBST for a number of years. Mr. Chamberlain stated that he was known as the Postal Poet and offered his comments and thanked “JT” for his outstanding work and commitment to broadcast radio.

Mr. Carl Kay, 59389 White Cloud Circle, South Bend, Indiana, spoke in favor of this resolution. Mr. Kay stated that it is a delight to listen to “JT” on the radio every morning.

Mr. Bob Nagle, Mishawaka, Indiana, offered his comments and stated that it was an honor to work with “JT”. Mr. Nagle stated that he considers Jon a true friend and wished him all the best in the years to come.

Additionally, Councilmembers Dieter and Kelly offered comments and thanked “JT” for his dedicated years of service to the Michiana Community.

There being no one else present wishing to speak to the Council either in favor of or in opposition to this Resolution.

Jon Thompson thanked the Council for the honor of this Resolution. He stated that it has truly been an honor to work with such great people.

Councilmember Varner made a motion to adopt this Resolution by acclamation.  
Councilmember Kirsits seconded the motion which carried.

**ANNOUNCEMENT OF FEBRUARY 13, 2006 MEETING**

Council President Charlotte D. Pfeifer stated that the February 12, 2006 meeting of the Council will be at the Studebaker National Museum Atrium. The Mayor will give his state of the City Address at this meeting.

**RESOLVE INTO THE COMMITTEE OF THE WHOLE**

At 7:20 p.m., Councilmember White made a motion to resolve into the Committee of the Whole. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes. Councilmember Kelly, Chairperson, Committee of the Whole, presiding.

Councilmember Kelly explained the procedures to be followed for tonight's meeting in accordance with Article 1, Section 2-11 of the South Bend Municipal Code and that pamphlets were available to the public, which outline the Council rules and procedures, and are located on the railing in the Council Chambers.

**PUBLIC HEARINGS**

**BILL NO. 65-05**

PUBLIC HEARING ON A BILL AMENDING  
THE ZONING ORDINANCE FROM  
PROPERTIES LOCATED AT 316 WILLIAM,  
318, 320, 322, 324 AND 326 W. MADISON,  
COUNCILMANIC DISTRICT 1, IN THE CITY  
OF SOUTH BEND, INDIANA

Councilmember Varner made a motion to withdraw this bill from the agenda tonight, due to a scrivener's error. Councilmember White seconded the motion which carried by a voice vote of nine (9) ayes.

**BILL NO. 87-05**

PUBLIC HEARING ON A BILL TO VACATE  
THE FOLLOWING DESCRIBED PROPERTY: A  
PORTION OF KENWOOD AVENUE, LINDEN  
AVENUE, LAWTON AVENUE AND 4 NEARBY  
ADJACENT ALLEYS

Councilmember Varner made a motion to hear the substitute version of this bill.  
Councilmember Puzzello seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Varner, Chairperson, Public Works and Property Vacation Committee, reported that this committee met this afternoon and voted to send this substitute bill to the full Council with a favorable recommendation.

Mr. Bernie Feeney, Registered Land Surveyor, 715 South Michigan Street, South Bend, Indiana, made the presentation for this bill.

Mr. Feeney advised that the purpose of the vacation of the real property is to create consolidated ownership of adjacent properties, effective upon the development of the relocated Bendix Drive.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

Mr. Brian Templeman, (no address given), stated that he owns lots in the area and that he has been in contact with Jennifer Laurent to have someone purchase his lots. However, he has not heard from any one and stated that if this vacation is approved that he lots will become landlocked.

Mr. Gary Gilot, Director, Public Works, advised that he was not aware of this information. He stated that he will need to look into the information that was presented tonight.

Councilmember Puzzello made a motion to continue this bill until the January 9, 2005 meeting of the Council. Councilmember Pfeifer seconded the motion which carried by a voice vote of nine (9) ayes.

**BILL NO. 90-05**

PUBLIC HEARING ON A BILL OF THE  
COMMON COUNCIL OF THE CITY OF SOUTH  
BEND, INDIANA, MAKING TECHNICAL  
AMENDMENTS WHICH CLARIFY VARIOUS  
PROVISIONS OF ORDINANCE NO. 9621-05  
ADDRESSING THE ANNUAL PAY AND  
MONETARY FRINGE BENEFITS OF POLICE  
OFFICERS OF THE SOUTH BEND POLICE  
DEPARTMENT FOR CALENDAR YEARS 2006,  
2007 AND 2008

Councilmember Puzzello made a motion to hear the substitute version of this bill. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember White, Chairperson, Zoning & Annexation Committee, reported that this committee held a meeting this afternoon and it was the consensus of the committee to send this substitute bill to the Council with a favorable recommendation.

Councilmember Dieter disclosed that he is a member of the South Bend Police Department and the Fraternal Order of Police, Lodge No. 36, and that after discussion with the Council Attorney it has been determined that there is no conflict of interest in this matter.

Mr. Charles Leone, City Attorney, 14<sup>th</sup> Floor County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana, made the presentation for this bill.

Mr. Leone advised that this substitute ordinance would make technical amendments to Ordinance No. 9621-05 which was passed by the South Bend Common Council on September 19, 2005. The ordinance clarifies the shift premium pays which are set forth in Section III, (e); Special duty pay by clarifying Uniform Supervisor Pro-Pay in Section III, (g); Redefining the officers entitled to Investigative Corporal Pro-Pay in Section III, (i); and adding a new (p) to replace the current Sick Leave Buy Back Program with a Sick Leave Incentive Program in the event that the Working Agreement between the City and FOP Lodge No. 36 is ratified. Mr. Leone stated that all other provisions of Ordinance 9621-05 remain unchanged.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Puzzello made a motion for favorable recommendation to full Council concerning this bill as substituted. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes.

**BILL NO. 47-05**

PUBLIC HEARING ON A BILL OF THE  
COMMON COUNCIL OF THE CITY OF SOUTH  
BEND, INDIANA, AMENDING CHAPTER 21  
OF THE SOUTH BEND MUNICIPAL CODE  
ARTICLE 2, RESIDENTIAL DISTRICTS, TO  
ALLOW TEMPORARY SALES OFFICES FOR

RESIDENTIAL SUBDIVISIONS; TO ADD USES TO THE MF1 URBAN CORRIDOR MULTIFAMILY, MF2 HIGH DENSITY RESIDENTIAL, MU MIXED USE, LB LOCAL BUSINESS; CB COMMUNITY BUSINESS, CBD CENTRAL BUSINESS DISTRICT, GB GENERAL BUSINESS, LI LIGHT INDUSTRIAL AND GI GENERAL INDUSTRIAL DISTRICTS; CLARIFY FENCING REGULATIONS IN THE UNIVERSITY DISTRICT; CLARIFY LANDSCAPING REQUIREMENTS; MODIFY THE DEFINITION OF SPECIAL EVENTS; AND CLARIFY THE DISPLAY OF POLITICAL SIGNS

Councilmember Varner made a motion to continue this bill until the January 23, 2006 meeting of the Council. Councilmember Puzzello seconded the motion which carried by a voice vote of nine (9) ayes.

**BILL NO. 91-05**

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING \$647,380.93 WITHIN FUND 209 FOR THE PURPOSE OF REDEVELOPMENT OF THE STUDEBAKER-OLIVER PROJECT AREA

Councilmember Puzzello, Chairperson, Community and Economic Development Committee, reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mr. Andy Laurent, Senior Redevelopment Specialist, Community & Economic Development, 12<sup>th</sup> Floor County-City Building, South Bend, Indiana, made the presentation for this bill.

Mr. Laurent advised that the Studebaker/Oliver Redevelopment Project is a significant Brownfield revitalization project within the City of South Bend and funding the costs of this project is a priority. The attached bill for your consideration and approval will appropriate \$647,380.93 from Fund No. 209 to pursue the necessary redevelopment activities in the Studebaker/Oliver Project Area including costs of acquisition, relocation, demolition, site preparation, environmental assessment and remediation, and other similar costs. These funds are non-tax revenue funds that have recently been received by the City and deposited into Fund No. 209.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Varner made a motion for favorable recommendation to full Council concerning this bill. Councilmember White seconded the motion which carried by a voice vote of nine (9) ayes.

**RISE AND REPORT**

Councilmember Dieter made a motion to rise and report to the full Council. Councilmember Kuspa seconded the motion which carried by voice vote of nine (9) ayes.

ATTEST:

ATTEST:

\_\_\_\_\_  
John Voorde, City Clerk

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Roland Kelly, Chairperson  
Committee of the Whole

**REGULAR MEETING RECONVENED**

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:35 p.m. Council President Charlotte D. Pfeifer presided with nine (9) members present.

**BILLS – THIRD READING**

**ORDINANCE NO. 9646-05**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, MAKING TECHNICAL AMENDMENTS WHICH CLARIFY VARIOUS PROVISIONS OF ORDINANCE NO. 9621-05 ADDRESSING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF POLICE OFFICERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEARS 2006, 2007 AND 2008

This bill had third reading. Councilmember Pfeifer made a motion to consider the substitute version of this bill. Councilmember Dieter seconded the motion which carried by a voice vote of nine (9) ayes. Additionally, Councilmember Puzzello made a motion to pass this bill as substituted. Councilmember Dieter seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

**ORDINANCE NO. 9647-05**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING \$647,380.93 WITHIN FUND 209 FOR THE PURPOSE OF REDEVELOPMENT OF THE STUDEBAKER-OLIVER PROJECT AREA

This bill had third reading. Councilmember Dieter made a motion to pass this bill. Councilmember Varner seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

**RESOLUTIONS**

**RESOLUTION NO. 3541-05**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE SOUTH BEND BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT APPROXIMATE SOUTHEAST CORNER OF FELLOWS STREET AND HANEY AVENUE ALSO KNOWN AS 1503, 1504, 1507, 1508, 1511 & 1512 HERMOSA, SOUTH BEND, INDIANA

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council pursuant to I.C. 36-7-4-918.6; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the South Bend Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at: Approximate Southeast Corner of Fellow Street and Haney Avenue also known as 1503, 1504, 1507, 1508, 1511 & 1512 Hermosa, South Bend, Indiana

in order to permit a single family dwelling on each of 6 lots in MF1 Urban Corridor Multifamily zoning.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the South Bend Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposes use is compatible with the recommendations of the City of South Bend Comprehensive plan; all of which is requested by the South Bend Municipal Code §21-09.03 (i).

Section IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Board of Zoning Appeals which are on file in the office of the City Clerk.

Section V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Councilmember Kuspa, Chairperson, Zoning & Annexation Committee, reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mr. Charles Bulot, Assistant Zoning Administrator, Building Department, 125 S. Lafayette Blvd., Suite 100, South Bend, Indiana, presented the report from the Board of Zoning Appeals.

Mr. Bulot advised that the petitioner is seeking a Special Exception to allow single-family residences in “MF1”, on property located at 1503, 1504, 1507, 1508, 1511 and 1512 Hermosa. The Board of Zoning Appeals gave it a public hearing on November 17, 2005 and sends this bill to the Common Council with a favorable recommendation.

Mr. Robert Palm, Palm & Associates, Surveyor, New Carlisle, Indiana made the presentation for this bill.

Mr. Palm advised that he is seeking this special exception in order to permit a single-family dwelling on each of 6 lots in MF1 Urban Corridor Multifamily zoning.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Dieter made a motion to adopt this Resolution. Councilmember Varner seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**RESOLUTION NO. 3542-05**

A RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF SOUTH BEND, INDIANA,  
BOARD OF ZONING APPEALS FOR THE  
PROPERTY LOCATED AT 2335 SHIELDS  
DRIVE, SOUTH BEND, INDIANA

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council pursuant to I.C. 36-7-4-918.6; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the South Bend Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

**SECTION I.** The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at

2335 Shields Drive  
South Bend, Indiana

in order to permit a Special Exception for utilities in order to locate an Air monitoring Station. It is currently zoned SF 1.

**SECTION II.** Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the South Bend Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

**SECTION III.** The Common Council of the City of South Bend, Indiana, hereby finds that:



1. The proposed use will not be injurious to the public health, safety, comfort community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan; all of which is requested by the South Bend Municipal Code §21-09.03 (i).

Section IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Board of Zoning Appeals, which are on file in the office of the City Clerk.

Section V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Councilmember Kuspa, Chairperson, Zoning & Annexation Committee, reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mr. Charles Bulot, Assistant Zoning Administrator, Building Department, 125 S. Lafayette Blvd., Suite 100, South Bend, Indiana, presented the report from the Board of Zoning Appeals.

Mr. Bulot, advised that the petitioner is seeking a Special Exception for utilities, on property located at 2335 Shields Drive. The Board of Zoning Appeals had a public hearing on November 17, 2005 and sends this bill to the Common Council with a favorable recommendation.

Mr. Steve Lengerich, Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana, made the presentation for this bill.

Mr. Lengerich, advised that the Indiana Department of Environmental Management (IDEM) is seeking a special exception to allow an ambient air monitoring station to be located at 2335 Shields Drive near Maple Lane School. Mr. Lengerich stated that it is important for the City of South Bend, Saint Joseph County and the State of Indiana to keep an ambient air monitoring station in the area. The station will continue to measure ozone, nitrogen dioxide, PM<sub>10</sub> (particulate matter less than 10 microns in size), PM<sub>2.5</sub> (particulate matter less than 2.5 microns in size), wind direction, wind speed, outdoor temperature, relative humidity and solar radiation (UV). These measurements will be used to determine the attainment or nonattainment of United States Environmental Protection Agency health-based air quality standards for the County. The monitor is currently located across from Notre Dame University. The University plans to start construction and renovations that will make the area unsuitable for ambient air monitoring. The new location is close to the current location and already contains a tower similar to the proposed station.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Dieter made a motion to adopt this

Resolution. Councilmember Kelly seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**RESOLUTION NO. 3543-05**

A RESOLUTION CONFIRMING THE  
ADOPTION OF A DECLARATORY  
RESOLUTION DESIGNATING CERTAIN  
AREAS WITHIN THE CITY OF SOUTH BEND,  
INDIANA COMMONLY KNOWN AS 2259  
CRANSTON STREET AS RESIDENTIALLY  
DISTRESSED AREAS FOR PURPOSES OF A  
FIVE (5) YEAR RESIDENTIAL REAL  
PROPERTY TAX ABATEMENT FOR STEVEN  
AND SHARON OBERT

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Residentially Distressed Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 2259 Cranston Street, South Bend, Indiana, and which is more particularly described as follows:

Lot Numbered Forty-one (41) as shown on the recorded Plat of Staffordshire Estates Subdivision, section One, recorded August 18, 1994 as Document Number 9431817 and re-recorded December 19, 1994 as Document Number 9446367 in the Office of the Recorder of St. Joseph County, Indiana.

and this property has a Tax Key Number 026-1035-058923, be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance's and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for a residentially distressed area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

**SECTION II.** The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance no. 8845-97, which was passed on December 8, 1997:

- A. The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or
- B. Any dwellings in the area are not permanently occupied and are:
  - i. the subject of an order issued under IC 36-7-9; or
  - ii. evidencing significant building deficiencies; or
- C. Parcels of property in the area:
  - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or

- ii. are owned by a unit of local government; or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E. A significant number of dwelling units within the area are:
  - i. the subject of an order issued under IC 36-7-9; or
  - ii. evidencing significant building deficiencies; or
- F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or
- G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

**SECTION III.** The Common Council also hereby determines and finds the following:

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

**SECTION IV.** The Common Council hereby confirms its Declaratory Resolution designating the area described herein as a Residentially Distressed Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to five (5) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

**SECTION V.** The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of five (5) years, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12.1 et seq.

**SECTION VI.** This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Ms. Sharon Obert, 427 Linconway East, Mishawaka, Indiana, made the presentation for this bill.

Ms. Obert stated that she and her husband seek to develop a single-family dwelling at 2259 Cranston Street of approximately 2,670 square feet with four (4) bedrooms and two and one-half baths. The cost of the home will be approximately \$236,765.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Dieter made a motion to adopt this

Resolution. Councilmember Varner seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**RESOLUTION NO. 3544-05**

A RESOLUTION CONFIRMING THE  
ADOPTION OF A DECLARATORY  
RESOLUTION DESIGNATING CERTAIN  
AREAS WITHIN THE CITY OF SOUTH BEND,  
INDIANA, COMMONLY KNOWN AS 511  
LINCOLNWAY WEST TO BE AN ECONOMIC  
REVITALIZATION AREA FOR PURPOSES OF  
A FIVE (5) YEAR PERSONAL PROPERTY TAX  
ABATEMENT FOR PHOTOCHROME, INC.

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 511 Lincolnway West, South Bend, Indiana, and which is more particularly described as follows:

W 14 ½ of lot 21 EX 40' N end all of 22 and S 22' of 23

and which has Key Number 18-1027-0893, as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance's and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

**SECTION II.** The Common Council hereby determines that the property owner is qualified for and is granted Personal property tax deduction for a period of five (5) years, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

**SECTION III.** This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Mr. Jack St. Pierre, 511 Lincolnway West, South Bend, Indiana, made the presentation for this bill.

Mr. St. Pierre advised that Photochrome is primarily a photo-processing lab, doing photofinishing for Gene's Camera Store. Photochrome processes film, makes prints from film and digital cameras, prints enlargements, processes slide film, makes photo CD's prints digital pictures, and transfers slides and home movies to DVD or VHS. Photochrome is proposing to replace an existing five-year-old digital lab with a more reliable model. The lab is slow and unreliable. In order to maintain production, quality and timeliness a new lab is needed.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Dieter made a motion to adopt this Resolution. Councilmember Varner seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**RESOLUTION NO. 3545-05**

A RESOLUTION CONFIRMING THE  
ADOPTION OF A DECLARATORY  
RESOLUTION DESIGNATING CERTAIN  
AREAS WITHIN THE CITY OF SOUTH BEND,  
INDIANA, COMMONLY KNOWN AS 4521  
NIMTZ PARKWAY AS AN ECONOMIC  
REVITALIZATION AREA FOR PURPOSES OF  
A TEN (10) YEAR REAL PROPERTY TAX  
ABATEMENT OR IMAGINEERING  
PROPERTIES, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 4521 NimtZ Parkway, South Bend, Indiana, and which is more particularly described as follows:

A PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 2 EAST, SITUATE IN GERMAN TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 21; THENCE SOUTH 00°23'18" EAST ALONG THE WEST LINE OF SAID QUARTER SECTION A DISTANCE OF 973.15 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF F.J. NIMTZ PARKWAY (DOCUMENT # 94-45142; THENCE SOUTH 60°00'07" EAST ALONG THE NORTH LINE OF SAID NIMTZ PARKWAY A DISTANCE OF 352.47 FEET TO AN IRON PIPE MARKING THE PLACE OF BEGINNING OF THIS DESCRIPTION SAID POINT BEING THE SOUTHEASTERN MOST CORNER OF H.G. BAUS CENTRE PHASE I, SAID PLAT BEING RECORDED IN DOCUMENT NO. 95-07104. OFFICE OF THE RECORDER, ST. JOSEPH COUNTY, THENCE NORTH 29°59'53" EAST ALONG THE SOUTHEASTERLY LINE OF SAID BAUS CENTRE A DISTANCE OF 483.40 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID BAUS CENTRE AND ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET AND AN ARC LENGTH OF 117.97 FEET (TANGENT=61.47', CHORD BEARING AND DISTANCE = NORTH 49°52'44" EAST = 115.62', DELTA = 39°45'41") TO THE EAST MOST CORNER OF SAID BAUS CENTRE; THENCE ALONG A COMPOUND CURVE TO

THE RIGHT HAVING A RADIUS OF 228.33 FEET AND AN ARC LENGTH OF 168.38 FEET (TANGENT= 88.22', CHORD BEARING AND DISTANCE = SOUTH 89°06'53" EAST = 164.59', DELTA = 42°15'06") TO A POINT OF TANGENCY;

THENCE SOUTH 67°59'20" EAST 380.57 FEET; THENCE SOUTH 29°59'53" WEST A DISTANCE OF 725.09 FEET TO A POINT ON THE NORTH LINE OF F.J. NIMTZ PARKWAY RECORDED IN DOCUMENT NO. 9445142 OFFICE OF THE RECORDER, ST. JOSEPH COUNTY; THENCE NORTH 60° 00'07" WEST ALONG THE NORTHERLY LINE OF SAID NIMTZ PARKWAY A DISTANCE OF 560.00 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION

CONTAINING 8.67 ACRES

and which has Key Number 25-1010-036104, as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years, and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Mr. Jim Hammer, 1302 W. Sample Street, South Bend, Indiana, made the presentation for this bill.

Mr. Hammer stated that Imagineering Properties, L.L.C. is the real estate holding company for Imagineering Enterprises, Inc., a metal finishing service to the automotive and aerospace industries. Imagineering Properties proposes to build an 80,000 sq. ft. building on 8.67 acres of land on Nimitz Parkway. The estimated cost of the project is \$4,500,000. This building will be the processing facility and offices of Imagineering Enterprises operations in South Bend. They will also build an EcoPark next to the building. The EcoPark will include plantings and materials indigenous to Indiana forests, wetlands, and prairies, complete with trails, recycling ponds and streams, benches, gazebos, and lookout points. It is estimated that this project will create six (6) new, permanent, full-time jobs representing a new annual payroll of \$190,000. The project will also maintain sixty-eight (68) existing permanent full-time jobs representing an annual payroll of \$2,103,286.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Kelly made a motion to adopt this Resolution. Councilmember Puzzello seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

RESOLUTION NO. 3546-05

A RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF SOUTH BEND  
DESIGNATING CERTAIN AREAS WITHIN THE  
CITY OF SOUTH BEND, INDIANA,  
COMMONLY KNOWN AS LOTS NUMBERED  
16 AND 35 THROUGH 68, LAFAYETTE FALLS  
SUBDIVISION, SECTION FOUR AS  
RESIDENTIALLY DISTRESSED AREAS FOR  
PURPOSES OF A FIVE (5) YEAR  
RESIDENTIAL REAL PROPERTY TAX  
ABATEMENT FOR KENDALL-WEISS, LLP

WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area commonly known as 20000-21000 Block (South Side) of Kern Road, South Bend, Indiana, and which is more particularly described as follows:

<u>Street Address:</u>	<u>Legal Description:</u>	<u>Key Number:*</u>
6614 Armstrong Dr.	Lot 16 La Fayette Falls, Section 4	
6723 Hillenbrand Dr.	Lot 35 La Fayette Falls, Section 4	
6728 Hillenbrand Dr.	Lot 36 La Fayette Falls, Section 4	
6720 Hillenbrand Dr.	Lot 37 La Fayette Falls, Section 4	
6712 Hillenbrand Dr.	Lot 38 La Fayette Falls, Section 4	
6704 Hillenbrand Dr.	Lot 39 La Fayette Falls, Section 4	
6622 Armstrong Dr.	Lot 40 La Fayette Falls, Section 4	
6615 Armstrong Dr.	Lot 41 La Fayette Falls, Section 4	
05 1205 Slater Dr.		
1303 Slater Dr.	Lot 42 La Fayette Falls, Section 4	
1311 Slater Dr.	Lot 43 La Fayette Falls, Section 4	
1319 Slater Dr.	Lot 44 La Fayette Falls, Section 4	
1327 Slater Dr.	Lot 45 La Fayette Falls, Section 4	
1335 Slater Dr.	Lot 46 La Fayette Falls, Section 4	
1343 Slater Dr.	Lot 47 La Fayette Falls, Section 4	
1407 Slater Dr.	Lot 48 La Fayette Falls, Section 4	
1415 Slater Dr.	Lot 49 La Fayette Falls, Section 4	
1423 Slater Dr.	Lot 50 La Fayette Falls, Section 4	
1431 Slater Dr.	Lot 51 La Fayette Falls, Section 4	
1439 Slater Dr.	Lot 52 La Fayette Falls, Section 4	
1424 Slater Dr.	Lot 53 La Fayette Falls, Section 4	
1416 Slater Dr.	Lot 54 La Fayette Falls, Section 4	
1408 Slater Dr.	Lot 55 La Fayette Falls, Section 4	
1334 Slater Dr.	Lot 56 La Fayette Falls, Section 4	
1328 Slater Dr.	Lot 57 La Fayette Falls, Section 4	
1320 Slater Dr.	Lot 58 La Fayette Falls, Section 4	
1312 Slater Dr.	Lot 59 La Fayette Falls, Section 4	
1304 Slater Dr.	Lot 60 La Fayette Falls, Section 4	
1208 Slater Dr.	Lot 61 La Fayette Falls, Section 4	
or 6705 Hillenbrand Dr.		
6711 Hillenbrand Dr.	Lot 62 La Fayette Falls, Section 4	
6719 Hillenbrand Dr.	Lot 63 La Fayette Falls, Section 4	
6727 Hillenbrand Dr.	Lot 64 La Fayette Falls, Section 4	
6735 Hillenbrand Dr.	Lot 65 La Fayette Falls, Section 4	
6743 Hillenbrand Dr.	Lot 66 La Fayette Falls, Section 4	

6740 Hillenbrand Dr.                      Lot 67 La Fayette Falls, Section 4  
6732 Hillenbrand Dr.                      Lot 68 La Fayette Falls, Section 4

(\*The tax key number of the parent parcel is 01-1002-0022.01. The tax key numbers for the individual lots will be assigned by the County Auditor's office after the Secondary Plat is recorded.)

be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community and Economic Development has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as a Residentially Distressed Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community and Economic Development Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as a Residentially Distressed Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance no. 8845-97, which was passed on December 8, 1997:

- A.            The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or
- B.            Any dwellings in the area are not permanently occupied and are:
  - i.          the subject of an order issued under IC 36-7-9; or
  - ii.        evidencing significant building deficiencies; or
- C.            Parcels of property in the area:
  - i.          have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25;or
  - ii.        are owned by a unit of local government; or
- D.            A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E.            A significant number of dwelling units within the area are:
  - i.          the subject of an order issued under IC 36-7-9; or
  - ii.        evidencing significant building deficiencies; or
- F.            The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or
- G.            The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

SECTION III. The Common Council also hereby determines and finds the following:

- A.    That the description of the proposed redevelopment meets the applicable standards for such development.
- B.    That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C.    That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described



redevelopment; and

D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.

F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION IV. The Common Council hereby determines and finds that the proposed described redevelopment can be reasonably expected to yield benefits identified in the Statement of Benefits and the petition for real property tax abatement consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION V. The Common Council hereby accepts the report and recommendation of the Community and Economic Development Committee that the area herein described be designated as a Residentially Distressed Area and hereby adopts a Resolution designating this area as a Residentially Distressed Area for purposes of real property tax abatement.

SECTION VI. The designation as a Residentially Distressed Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five (5) years.

SECTION VIII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION IX. Pursuant to Indiana Code 6-1.1-12.1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Councilmember Puzzello, Chairperson, Community and Economic Development Committee, reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mr. Derek Spier, Abonmarche Consultants, L.L.C., 750 Lincoln Way East, South Bend, Indiana, made the presentation for this bill.

Mr. Spier advised that this is section four (4) of the project and will develop thirty-five (35) lots on 11.3 acres of a total development that will eventually contain two hundred sixty-six (266) homes on 116.206 acres on the south side of Kern Road. This section of the development will include a portion of two retention areas, 1,535 linear feet of new streets, and the associated public and private utilities. The property was recently annexed into the City of South Bend. The homes will be stick-built, single family homes approximately 1,800 to over 2,000 square feet. The homes will be constructed by Weiss Homes, Inc. The average cost of homes within this development is expected to be \$135,000 with a total value for this section of \$4,725,000.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Dieter made a motion to adopt this Resolution. Councilmember Varner seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**RESOLUTION NO. 3547-05**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RESCINDING RESOLUTION NO. 3534-05 AND PROVIDING FOR PARTIAL REPAYMENT OF LOAN BY TRANSFER OF FUNDS FROM WATER WORKS LEAK INSURANCE FUND (#644) TO WATER WORKS GENERAL FUND (#620)

WHEREAS, on November 14, 2005 Resolution No. 3534-05 was adopted by this Council authorizing a loan from Water Works General Fund (#620) to Water Works Leak Insurance Fund (#644); and

WHEREAS, it appears that Water Works General Fund will not need to loan funds to Water Works Leak Insurance Fund but rather Water Works Leak Insurance Fund is actually repaying \$130,000 of a prior \$260,000 loan from Water Works General Fund approved by this Council in Ordinance 9481-03; and

WHEREAS, this Resolution is necessary to correct the record of the underlying transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

Section I. Resolution No. 3534-05 is hereby rescinded and retracted in full and is of no further force or effect.

Section II. The Water Works Leak Insurance Fund (#644) is hereby authorized to transfer the sum of \$130,000 to Water Works General Fund (#620) in partial repayment of a prior loan of \$260,000 from the Water Works General Fund previously authorized in Ordinance No. 9481-03.

Section III. Repayment by Water Works Leak Insurance Fund (#644) to Water Works General Fund (#620) of the balance (\$130,000) of the original loan approved in Ordinance No. 9481-03 is deferred until December 31, 2006.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

s/Charlotte D. Pfeifer  
Member of the Common Council

Councilmember Kirsits, Chairperson, Utilities Committee, reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mr. John Stancati, Director, Water Works, 210 N. Main Street, South Bend, Indiana made the presentation for this bill.

Mr. Stancati advised that it was discovered that Resolution No. 3534-05 passed by the Common Council on November 14, 2005 incorrectly describes the nature of the desired budget and accounting transaction. This Resolution rescinds Resolution No. 3534-05 and provides for the actual transaction which is repayment by Water Works Leak Insurance

Fund #644 to Water Works General Fund #620 of half (\$130,000) of a prior \$260,000 loan from Water Works General Fund to Water Works Leak Insurance Fund. The underlying original loan was authorized by the Council in Ordinance No. 9481-03.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution. Councilmember Dieter made a motion to adopt this Resolution. Councilmember Varner seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

**BILLS, FIRST READING****BILL NO. 92-05**

FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1351 PYLE AVE., 1355 PYLE AVE., AND THE VACANT LOT ON THE SOUTHWEST CORNER OF PYLE AVE AND EDISON, COUNCILMANIC DISTRICT 4, IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Varner made a motion to refer this bill to the Area Plan Commission. Councilmember Kelly seconded the motion which carried by a voice vote of nine (9) ayes.

**BILL NO. 93-05**

FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 505 E. IRELAND ROAD, 4412 FELLOWS STREET AND 4422 FELLOWS STREET, COUNCILMANIC DISTRICT NO. 5, IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Puzzello made a motion to refer this bill to the Area Plan Commission. Councilmember Dieter seconded the motion which carried by a voice vote of nine (9) ayes.

**UNFINISHED BUSINESS**

Councilmember Rouse advised that he met on December 8, 2005 in regard to the reactivation of the Local Commission on the Status of African American Males.

Councilmember's White and Kelly reported that they currently serve on the Urban Enterprise Association, which recently met and business was conducted to ratify checks, capital improvement budget and the operating budget. Discussion on the Sample Street Complex and South Gateway corridor was discussed.

**NEW BUSINESS****PRIVILEGE OF THE FLOOR****COMMENTS BY MR. JOSEPH SCHULTZ REGARDING THE PASSING OF THE HUMAN RIGHTS ORDINANCE REGARDING ARTICLE 9.**

Mr. Joseph Schultz, 15344 U.S. 6, Plymouth, Indiana, spoke regarding the passing of the Human Rights Ordinance making it illegal to discriminate on the basis of sexual orientation or gender identity, against persons in areas of employment, housing, education or public accommodation. Mr. Schultz stated that he lives in Marshall County, however, he works, worships, shops and has many friends that live in South Bend, St. Joseph County area. He stated that he is not here tonight to change anyone's mind on the issue of sexual orientation but to raise the awareness of the necessity of an ordinance to protect against the discrimination on the basis of sexual orientation. Mr. Schultz stated that jobs have been lost, housing denied and medical attention refused based on the issue

of sexual orientation. He urged the Council to pass an Ordinance making it illegal to discriminate on this basis.

**ANNOUNCEMENT OF NEXT MEETING DATE**

Council President Pfeifer announced that the next meeting of the Common Council will be held on Monday, January 9, 2006. President Pfeifer thanked her fellow Councilmember's for a wonderful year as their President. She stated that it has been good and thinks that they have worked very well together and respectfully. She really enjoyed it and looks forward to the end of the year. Merry Christmas to those who celebrate Christmas, Happy Hanukah, Happy Kwanzaa, and Happy Winter Solstice.

**ADJOURNMENT**

There being no further business to come before the Council, President White adjourned the meeting at 8:03 p.m.

**ATTEST:**

**ATTEST:**

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John Voorde, City Clerk

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Charlotte D. Pfeifer, President